

Cup. 21. g. 38/15.

THE TRIALS OF

The Persons who Committed the Barbarous and
Inhumane Murther upon the Body of

Thomas Thynn, Esq;

On the 12th of this Instant February, 1682.

Who were Tryed, Cast and Condemned, at the Sessions-
House in the Old-Bayley, on the 28th of the aforesaid Instant.

Being a True Account of the most material Passages that
happened during the said TRIALS.

Together, With the Particulars of the TRYAL of
Count Conningmark,

Suspected as the principal Contriver of the said Murther, &c.

THE Session of Oyer and Terminer, which began on Fryday the 24th of this Instant February, and continued till the 25th of the same, being Adjourned to the 28th, in order to the Tryal of the Murtherers of Thomas Thynn, Esquire; the Bills being found against them at Hicks's-Hall, they were this Morning brought to the Old-Bayley from the County-Goal of Newgate, where they have continued ever since the 13th past; when a while after the Court was sat, they were called to the Bar and Arraigned; Upon which the Jury (Half English, and Half Forraigners) being Impaniled, were Sworn, and their Indictments Read; the purport of which were as followeth; viz. That George Boroskie, Christopher Fratz, & John Stern, as Actors, Aiders, and Abettors, and Charles Iohn Conningmark, as Principal Contriver of the said Murther.

The Prisoners at the Bar (had by the Instigation of the Devil, out of their malice afore-thought) Felloniously and Maliciously Conspired the Death of Thomas-

Thynn, Esq; And that they on the 12th of February, in the 34th Year of His Majesty, in the Parish of St. Martins-in-the-Fields, with a certain Gun Charg'd with Powder and Bullet, shot him in his Coach, giving unto him several wounds, of which he languishing lived until the 13th. and then Dyed of the same.

After the Indictment was Read, the Prisoners pleaded not Guilty; the Count Conningmark having first made Exceptions against Nineteen or Twenty of the Jury. The Counsel for the King, who were Sir Francis Withens, Sir Francis Winnington, Mr. Williams and others, opened the hainousness of the Fact, upon which the Witnesses for the King were called and Sworn; the first being one William Cole, Servant to Squire Thynn, who Deposed upon Oath, That on Sunday the 12th. of Feb. his Master coming from a Person of Quality, upon his return as he was coming into the Pall-Mall, three Persons rid by the Coach side a while, and then one of them Riding before, cryed a Halt, or Stop, which was no sooner said, but a Musque-

toon was shot into the Coach, and Squire Thynn cried out he was Murdered, which the Witnesses hearing, looked back and saw three Men Riding away as fast as possible, the which he pursued till Breathless; to the same purpose Swore William Elers another of his Servants: The Chyrurgeon being called, gave Evidence, He took four Bullets out of the Body of the Deceased, which Bullets were produced in Court. Then their Examinations that were taken before Sir John Risby and Mr. Justice Bridgman were produced, which the aforesaid Iustices Swore to, the substance of which were, That George Boriskie confessed he shot the piece into the Coach at the request of Captain Fratz, when on the contrary, the Captain confessed that he had only took him and Sterne with him as intending to Fight Squire Thynn, and that he carried them so Armed to secure his escape if he should Kill him; and that he did not bid him shoot. As for Sterne, he said he knew not of the Design, but was four paces behind the Coach when the piece went off: Upon this the Court asked them what they could object against the Evidence? but in conclusion they could not deny the Fact.

This being over, the Count was then brought upon his Tryal, and the Witnesses Sworn against him; First, His Brothers Governour related that the Count about Three Weeks since came into England, and that he went Disguised, and had several times shifted his Lodging; and that the Fryday before the Murther committed, the Polander came to his Lodging, and was ordered to be entertained at his Charge; and that on the next day the Count ordered the Governour to buy him a Sword, which he received the Sunday morning the murther was committed.

Frederick Harder, at whose house Fratz was taken, gave Evidence, That the Count had layn at his house, and that upon the account of curing the breaking out of Heat in his Body, for which he had given him physick, and that the occasion of his so often removing his Lodging and going by strange Names was, because he would not discover himself to such as had formerly known him, least they should oblige him to drink to his dammage. Mr. Homgood the Sword-Cutler, swore that the Sword was bought of him which the Polander had. Robert French swore that the Count Lodging at his house in the Hay-market, Captain Fratz used to be conversant with him, and came thither often to visit him: The like attested by Ann Prince Servant to the said French.

But the Evidence that comes nearer, was that of Francis Wats, who was retained as his Servant; who Swore that Boriskie lay in his Masters Lodgings all Saturday-night, and on Sunday morning went from thence with Boots under his arm; and further, that within half an hour after the murther was done, Fratz came, and had Discourse with the Count; and that the next morning the Count forsook his Lodging, and pretending to go for *Windsor*, as it afterwards appeared by other Evidence, he went to a Sweeds House at Rediff, and there changing his Apparel, took Boat for *Graveland*, being Three Days upon the Water. Of which notice being given to Mr. Gibbens and others, they procured the Recorders Warrant, and pursued him so swift, that they landed almost as soon as he; where seizing, they carried him before the Mayor, who sent him up by Water with Two Files of Souldiers: after he was Apprehended, he told them that it would stain his Blood but that one noble Action in War or Lodging in a Counterscarp would obliterate it; and upon Mr. Gibbens his saying, that he was suspected of contriving the Murther of his very good Master Esquire Thynn, who had been killed lately in his Coach, and that had not providence prevented it, they had perhaps killed a dearer Friend and Master, meaning his Grace the Duke of Monmouth: he said, he did not think they intended any harm in the least to the Duke.

It was farther Sworn, That he should send to the Sweedish Envoy remaining in England, to ask his advice, whither if for some Affronts that Mr. Thynn had put upon him, he might go about to require satisfaction of him? how the Laws of England stood in that case, or to that purpose. To this Evidence he pleaded by his Interpreter, First, That his cause of coming over into England was to buy Horses, and that he had sent over for that purpose 1000 pistols, and that he lay disguised upon the account of his Distemper; That Boriskie had been his Uncles and Fathers Groom, and that he sent for him to retain him for his service: That Fratz had been a Captain under him, That his cause of flying was, for fear of being torn to pieces by the people, upon the Brute that he was concerned in the murder.

After this the Iury having received their Charge, went out, and after an hours stay, brought in George Boriskie, Christopher Fratz, and John Sterne guilty of wilful murder, and the Count was Acquitted.